

Message Text

LIMITED OFFICIAL USE

PAGE 01 OSLO 01686 041423 Z

46

ACTION L-03

INFO OCT-01 EUR-25 ADP-00 SCA-01 JUSE-00 RSR-01 RSC-01

/032 W

----- 106425

R 041149 Z MAY 73

FM AMEMBASSY OSLO

TO SECSTATE WASHDC 6603

LIMITED OFFICIAL USE OSLO 1686

E. O. 11652: N/ A

TAGS: PFOR, CPRS, NO

SUBJ: EXTRADITION - CONSTANTINOS ANASTASIOU SYNGRASSIDES

REF: (A) STATE 83142 (B) STATE 80168

1. I ASSUME THAT BEFORE REACHING A DECISION ON A FORMAL PROTEST THE DEPARTMENT WILL ITSELF CAREFULLY STUDY FULL TRANSLATIONS OF THE DECISIONS OF THE NORWEGIAN COURTS AND WILL ALSO WEIGH THE POSSIBILITY THAT SHORTCOMINGS ON THE US SIDE MAY HAVE CONTRIBUTED TO THE UNSUCCESSFUL OUTCOME OF THIS HIGHLY COMPLEX CASE.

2. WE IN THE EMBASSY UNDERSTAND THE DEPARTMENT'S ANNOYANCE WITH " THE WAY THE EXTRADITION HEARING WAS HANDLED." BUT WE BELIEVE THE NORWEGIAN GOVERNMENT WOULD WITH SOME JUSTIFICATION DISPUTE ANY CONTENTION THAT THE COURT WAS " TRYING TO CONDUCT A TRIAL" (REF B, PARA 2). RATHER, THE COURT AS WE UNDERSTAND IT WAS TRYING TO DETERMINE WHETHER SUFFICIENT EVIDENCE WAS SUBMITTED, AND THE ISSUE ON WHICH THE CASE FOUNDERED WAS THE SUCCESSFUL CONTENTION BY THE DEFENSE THAT ARTICLE I OF THE TREATY REQUIRES MORE THAN A SHOWING OF PROBABLE CAUSE (OR " JUST CAUSE FOR SUSPICION," IN NORWEGIAN USAGE).

3. FROM A POST- TRIAL DISCUSSION WITH THE CHIEF OF CRIMINAL POLICE (WHO PRIVATELY SHARES OUR DISAPPOINTMENT AT THE OUT- COME), WE UNDERSTAND THAT NORMALLY IN EXTRADITION PROCEEDINGS

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OSLO 01686 041423 Z

NORWEGIAN AUTHORITIES REQUIRE ONLY A SHOWING OF " JUST CAUSE FOR SUSPICION." THE " COMMITMENT FOR TRIAL" FORMULATION EXISTS ONLY IN NORWAY' S TREATIES WITH THE US AND THE UK, AND THIS IS THE FIRST TIME THE NORWEGIAN COURTS HAVE BEEN CALLED UPON TO INTERPRET WHAT IT MEANS. THE CHIEF NOTES THAT THE LANGUAGE FOR ARTICLE I WAS SUPPLIED BY THE US; IMPLICIT IN HIS REMARKS IS A BELIEF THAT THE US USED THAT FORMULATION BECAUSE IT DEMANDS A HIGHER STANDARD OF EVIDENCE FOR EXTRADITION THAN MOST COUNTRIES AND THROUGH THE TREATY IMPOSED A HIGHER STANDARD ON NORWAY AS WELL. THIS IS OBVIOUSLY AN ERRONEOUS UNDERSTANDING. BUT NOW THAT THE SUPREME COURT HAS RULED, THE POLICE WILL BE BOUND TO REQUIRE MORE THAN A SHOWING OF PROBABLE CAUSE IN ANY FUTURE CASES INVOLVING THE US OR THE UK.

4. GIVEN THE SUPREME COURT DECISION, IT MAY BE THAT REVISION OF THE 1893 TREATY WILL BE THE ONLY WAY ULTIMATELY TO BRING ABOUT AGREEMENT ON WHAT THE " COMMITMENT FOR TRIAL" CRITERION IN ARTICLE I MEANS. MEANWHILE, WE WILL PROBABLY WISH TO PRE-SERVE OUR POSITION THROUGH A NOTE COMMENTING ON THE SUPREME COURT RULING, BUT AT THIS POINT WE DO NOT BELIEVE SUCH A NOTE SHOULD BE COUCHED IN TERMS OF A " FORMAL PROTEST".

5. WE NOTE FOR THE RECORD THAT THE ISSUE ON WHICH THE DEFENSE PREVAILED WAS ONE RAISED AT AN EARLY STAGE BY THE DEFENSE COUNSEL, IN A LETTER OF MARCH 8 WHICH JUSTICE DECLINED TO HAVE TRANSLATED (CF. OSLO 994, OSLO 1040, STATE 48844 AND STATE 49118). HAD WE BEEN PREPARED AT SOME STAGE -- EITHER THEN, OR AFTER THE MAGISTRATE' S RULING, OR AFTER THE COURT APPEAL DECISION -- TO OFFER PRECEDENTS OR ADVISORIES TO SUPPORT THE PROSECUTOR' S CONSISTENT CONTENTION THAT THE TREATY LANGUAGE REQUIRES NO MORE THAN A SHOWING OF PROBABLE CAUSE, AS IS CONCEIVABLE THAT WE

WOULD HAVE PERSUADED THE SUPREME COURT.

6. WE WILL CABLE AS SOON AS THE SUPREME COURT OPINION IS AVAILABLE.
CROWE

LIMITED OFFICIAL USE
NMAFVVZCZ

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PFOR
Control Number: n/a
Copy: SINGLE
Draft Date: 04 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: kelleyw0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973OSLO01686
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: OSLO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730536/aaaahuwg.tel
Line Count: 100
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 STATE 83142 (B) STATE 80168
Review Action: RELEASED, APPROVED
Review Authority: kelleyw0
Review Comment: n/a
Review Content Flags:
Review Date: 02 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <19-Sep-2001 by martinml, PRIVACY>; RELEASED <02-Oct-2001 by kelleyw0>; APPROVED <02-Oct-2001 by kelleyw0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 971204
Subject: EXTRADITION - CONSTANTINOS ANASTASIOU SYNGRASSIDES
TAGS: PFOR, NO, CPRS
To: L
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005